

DUCKOR
SPRADLING
METZGER
& WYNNE
A LAW CORPORATION

SEP 30 2005

401 WEST A STREET, SUITE 2400
SAN DIEGO, CALIFORNIA 92101-7915
TELEPHONE (619) 231-3866
FACSIMILE (619) 231-6829
www.dsmlaw.com

FACSIMILE TRANSMITTAL

SJO

To:	FACSIMILE No.:	TELEPHONE No.:
MAIL STOP AMENDMENT Commissioner for Patents P.O. BOX 1450 Alexandria, VA 22313-1450	(571) 273-8300	

FROM:	Bernard L. Kleinke, Esq.
RE:	Applicants: Timothy W. Giralдин, et al. Title: MESSAGE COMMUNICATION SYSTEM AND METHOD Appl. No.: 10/716,583 Filing Date: November 18, 2003 Examiner: Thomas J. Mullen Art Unit: 2632
FILE NO.	8591-109
DATE:	September 30, 2005

DESCRIPTION OF DOCUMENT, COMMENT OR SPECIAL INSTRUCTIONS:
NUMBER OF PAGES SENT: <u>16</u> (including cover sheet)

THE PAGES COMPRISING THIS FACSIMILE TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION FROM DUCKOR SPRADLING METZGER & WYNNE. THIS INFORMATION IS INTENDED SOLELY FOR USE BY THE INDIVIDUAL OR ENTITY NAMED AS THE RECIPIENT HEREOF. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THE CONTENTS OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO WE MAY ARRANGE TO RETRIEVE THIS TRANSMISSION AT NO COST TO YOU.

PALM SPRINGS AREA OFFICE: 78-000 FRED WARING DRIVE, SUITE 102, PALM DESERT, CALIFORNIA 92211 • TELEPHONE (760) 341-3332 • FACSIMILE (760) 200-1348

SEP 30 2005

App. No. 10/716,583
Amdt. Dated: September 30, 2005
Reply to Notice of September 26, 2005
Atty. Dkt. No. 8591-109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Timothy W. Girdalin, et al.
Title: MESSAGE COMMUNICATION
SYSTEM AND METHOD
Appl. No.: 10/716,583
Filing Date: November 18, 2003
Examiner: Thomas J. Mullen
Art Unit: 2632

<p>CERTIFICATE OF MAILING BY FACSIMILE</p> <p>Date of transmission: September 30, 2005</p> <p>I hereby certify that this correspondence is being facsimile transmitted on the date indicated above to the MAIL STOP AMENDMENT, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 at telephone No. (571) 273-8300.</p> <p>BERNARD L. KLINKE (Printed Name)</p> <p><i>Bernard L. Klinke</i> (Signature)</p>

SUPPLEMENTAL AMENDMENT TRANSMITTAL

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is a Supplemental Amendment in the above-identified application.

- [X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required either now or in the future regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. If any charges or fees must be paid in connection with the foregoing, concurrent or future communication (including, but not limited to, the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment may be respectfully paid out of, or into, the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. If any such payment also requires a petition or extension request, please construe this authorization to pay as the necessary petition or request, which is required to accompany the payment.

341185.1

-1-

App. No. 10/716,583
Amdt. Dated: September 30, 2005
Reply to Notice of September 26, 2005
Atty. Dkt. No. 8591-109

Please direct all correspondence to the undersigned attorney at the address indicated below.

Respectfully submitted,

Date: September 30, 2005

DUCKOR SPRADLING METZGER & WYNNE
A Law Corporation
401 West A Street, Suite 2400
San Diego, CA 92101-7915

Telephone No.: (619) 231-3666
Facsimile No.: (619) 231-6629
Email: kleinke@dsmwlaw.com

By: 

Bernard L. Kleinke
Attorney for Applicant
Registration No. 22,123

SEP 30 2005

App. No. 10/716,583
Amdt. Dated September 30, 2005
Reply to Note of September 26, 2005
Atty. Dkt. No. 8591-109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Timothy W. Giralдин, et al.
Title: MESSAGE COMMUNICATION SYSTEM
AND METHOD
Appl. No.: 10/716,583
Filing Date: November 18, 2003
Examiner: Thomas J. Mullen
Art Unit: 2632

CERTIFICATE OF MAILING BY FACSIMILE
Date of transmission: September 30, 2005
I hereby certify that this correspondence is being facsimile transmitted on the date indicated above to the MAIL STOP AMENDMENT, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 at telephone No. (871) 273-8300.
_____ Bernard L. Kleinke (Printed Name)
_____ <i>Bernard L. Kleinke</i> (Signature)

SUPPLEMENTAL AMENDMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir:

Applicant has received Notice of Non-Compliant Amendment (37 CFR 1.121) mailed from the U.S. Patent and Trademark Office on September 26, 2005. Applicant has complied with the Notice and has deleted the identifier "(Previously presented)" for Claims 31-47 and inserted "(New)" as the proper status identifier for Claims 31-47. This Supplemental Amendment is being submitted in response to the Notice of Non-Compliant Amendment (37 CFR 1.121) of September 26, 2005. Please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 13 of this paper.